

DEC 15 2005 *HP*

MARY L.M. MORAN  
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,  
Plaintiff.

vs.

McCARTHY OCAYA CARTER,  
Defendant.

) CRIMINAL CASE NO. 05-00087

) **AMENDED REPORT AND**  
) **RECOMMENDATION CONCERNING**  
) **PLEA OF GUILTY IN A FELONY CASE**

The defendant, by consent, has appeared before me pursuant to Rule 11, Fed. R. Crim. P., and has entered a plea of guilty to an Information charging him with Possession of Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§ 844(a). Additionally, the defendant has consented to forfeit the items described in the Forfeiture Allegation of the Information, including the \$106,202 in U.S. currency recovered during a search of his residence on or about November 20, 2003. After examining the defendant under oath, I have determined that the defendant is fully competent and capable of entering an informed plea, that the guilty plea was intelligently, knowingly and voluntarily made, and that the offense charged is supported by an independent basis in fact establishing each of the essential elements of such

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**ORIGINAL**

1 offense. I therefore recommend that the plea of guilty be accepted and that the defendant be  
2 adjudged guilty and have sentence imposed accordingly.

3 IT IS SO RECOMMENDED.

4 DATED this 15<sup>th</sup> day of December 2005.

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8 JOAQUIN V.E. MANIBUSAN, JR.  
9 United States Magistrate Judge

10 **NOTICE**

11 **Failure to file written objections to this Report and Recommendation within ten**  
12 **(10) days from the date of its service shall bar an aggrieved party from**  
13 **attacking such Report and Recommendation before the assigned United States**  
14 **District Judge. 28 U.S.C. § 636(b)(1)(B).**  
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